

## REMARKS

In response to the Office Action dated July 26, 2006, Applicant respectfully requests reconsideration based on the following remarks. Applicant respectfully submits that the claims as presented are in condition for allowance.

Claims 1-5 are pending in the present Application. Claim 1 has been amended to better set forth the invention leaving Claims 1-5 for consideration upon entry of the present amendment and following remarks.

No new matter has been introduced by the claim amendment. Reconsideration and allowance of the claims are respectfully requested in view of the above amendment and the following remarks.

### **Claim Rejections Under 35 U.S.C. §103**

Claims 1-5 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kawakami et al., U.S. Patent No. 6,329,101 B1 (hereinafter "Kawakami"). Applicant respectfully traverses the rejections. Applicant notes that the heading on Page 2 of the Office Action indicates §102 rejection, but the language of the rejection details (e.g. "unpatentable") indicates §103(a) rejection. Applicant understands the rejection of Claims 1-5 in the instant Office action to be under §103(a). If this understanding is not correct, the Examiner is requested to provide further clarification.

Figure 2 of Kawakami illustrates an electrode member, e.g. features 503 and 506 shown in Figure 7, which corresponds to Figures 3A and 3B illustrating an exemplary embodiment of a negative plate of the claimed invention.

Kawakami discloses an electrode member including two active materials layers formed on both sides of a collector. (Col. 10, line 56 to Col. 11, line 14 and Figures 2 and 7.) The collector is then formed into a single electrode, e.g. a negative electrode 503 (see Figure 7) or a positive electrode 506 (see Figure 7) and a separator 507 is then placed between electrodes 503 and 506. (*Id.*) In the Office action it is stated that active material layers 108 comprising the compound powder shown in Fig. 1 are formed on a single collector 105. That is, the electrode member (considered as the "negative plate" of the claimed invention) includes a *single collector* with

multiple active layers disposed on both sides of the single collector.

In a non-limiting exemplary embodiment of the present invention, a negative plate includes active material 200 provided between pairs of nickel strips 100 (e.g. collectors). (Specification, page 5, lines 4-8, 15 and 16 and page 6, lines 12-17 and Figures 3A, 3B and 4.) The pairs of nickel strips compressed together form the negative plate of the claimed invention. (*Id.*)

Kawakami does not teach or suggest an electrode member including multiple collectors (e.g. pairs of collectors) with an active layer therebetween. To the contrary, the electrode member of Kawakami (considered as the “negative plate” of the claimed invention) includes multiple active layers and a *single* collector therebetween. Therefore, Kawakami does not teach or suggest a method of fabricating a negative plate including perforating each of at least two collectors to have a plurality of perforations, filling powders of metal hydride between the perforated collectors and compressing the collectors having the powders of the metal hydride filled therebetween of Claim 1.

Since Kawakami does not teach or suggest an electrode member including at least two collectors being compressed with active material therebetween, Kawakami necessarily does not teach or suggest *the electrode member* including the collectors combined at upper and at lower edges thereof of Claim 1.

Thus, Kawakami does not teach or suggest *all of the limitations* of Claim 1. Accordingly, *prima facie* obviousness does not exist regarding Claim 1 with respect Kawakami. Alternatively, since Kawakami does not disclose all of the limitations of Claim 1, Kawakami also does not anticipate Claim 1.

Notwithstanding that Kawakami fails to teach or suggest all of the limitations of Claim 1, Applicant respectfully submit that there exists no motivation to modify Kawakami to teach the claimed invention.

Firstly, Kawakami teaches *a single* collector surrounded by an active layer on both sides of the single collector, which teaches opposite to the claimed invention including filling powders of metal hydride between at least two perforated collectors and compressing the two collectors having the powders of the metal hydride filled therebetween. Therefore, there exists no motivation or suggestion to modify Kawakami to teach the claimed invention, e.g. pairs of collectors with active layer therebetween.

Secondly, referring to Figure 2, the electrode member of Kawakami is formed by using binders and coating the collectors with electrode materials. In a non-limiting embodiment of the claimed invention, pairs of nickel strips 100 are compressed with metal hydride 200 therebetween with the metal hydride 200 being held between every pair of nickel strips 100 *without* the use of a binder and a conductor to form the negative plate/electrode member. (Specification, page 6, lines 12-30 and page 7, lines 1-11.) Therefore, there exists no further motivation or suggestion to modify Kawakami to teach the claimed invention, e.g. without the use of binders and conductors. To the contrary, Kawakami discloses the use of binder and electrode materials.

Since Kawakami fails to teach or suggest all of the limitations of Claim 1 and clearly discloses features contrary to the claimed invention, one of ordinary skill at the time of Applicant's invention would not have a motivation to modify or combine the references, or a reasonable likelihood of success in forming the claimed invention by the Examiner's suggestion of modifying or combining the reference. Thus, here again, *prima facie* obviousness does not exist. *Id.*

Thus, the requirements of *prime facie* obviousness are not met by the Examiner's suggestion to modify Kawakami. Applicant respectfully submits that Claim 1 is not further rejected or objected and is therefore allowable. As Claims 2-5 variously depend from Claim 1, they are thus correspondingly allowable. Reconsideration and allowance of Claims 1-5 are respectfully requested.

### **Conclusion**

All of the objections and rejections are herein overcome. In view of the foregoing, it is respectfully submitted that the instant application is in condition for allowance. No new matter is added by way of the present Amendments and Remarks, as support is found throughout the original filed specification, claims and drawings. Prompt issuance of Notice of Allowance is respectfully requested.

The Examiner is invited to contact Applicants' attorney at the below listed phone number regarding this response or otherwise concerning the present application.

Applicants hereby petition for any necessary extension of time required under 37 C.F.R. 1.136(a) or 1.136(b) which may be required for entry and consideration of the present Reply.

If there are any charges due with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130 maintained by Applicants' attorneys.

Respectfully submitted,

CANTOR COLBURN LLP

By: Amy Bizon-Copp  
Amy Bizon-Copp  
Reg. No. 53,993  
CANTOR COLBURN LLP  
55 Griffin Road South  
Bloomfield, CT 06002  
Telephone (860) 286-2929  
Facsimile (860) 286-0115

Date: September 26, 2006